S-2050.2

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**SUBSTITUTE SENATE BILL 5617**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Salomon, Braun, Van De Wege, Rolfes, Wilson, L., Rivers, Fortunato, Palumbo, Keiser, Frockt, Warnick, Hunt, Honeyford, Brown, Cleveland, Saldaña, Darneille, Conway, Pedersen, Wilson, C., Liias, Hawkins, Kuderer, and O'Ban)

AN ACT Relating to banning the use of nontribal gill nets; amending RCW 77.65.160 and 77.50.030; adding new sections to chapter 77.12 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that wild salmon populations have declined and that many populations are threatened and endangered. The legislature further finds that endangered southern resident orcas rely on salmon for a significant portion of their diet. The legislature further finds that the use of mark selective fishing harvest techniques provide additional harvest opportunities of abundant hatchery stocks while protecting wild and endangered wild stocks. The legislature further finds the use of nonselective harvest techniques, including gill nets, negatively impacts wild salmon recovery, seabirds, and other marine life that may become entangled in gill nets.

The legislature further finds that in 1995 the federal national marine fisheries service recommended the removal of nontribal gill nets from the mainstem Columbia river by 2003 and the Washington fish and wildlife commission adopted a policy in 2013 to remove nontribal gill nets from the Columbia river mainstem by 2017.

Therefore, the legislature finds that the use of gill nets for the nontribal harvest of salmon must be phased out in favor of mark selective harvest techniques that are capable of the unharmed release of wild and endangered salmon while selectively harvesting hatchery-reared salmon.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

(1) The director shall develop a program for the purchase and permanent retirement of nontribal Columbia river salmon gill net licenses in Washington by December 31, 2020. The director shall administer the fishing license buyout program before the gill net ban takes effect.

(2) Beginning January 1, 2021, it is unlawful for an individual to use a gill net to take salmon in Washington waters of the Columbia river.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

The fishing license buyout plan established in section 2 of this act must be conducted by December 31, 2020. Subject to the availability of amounts appropriated for this specific purpose, the department may purchase a salmon gill net license from a willing seller for:

(1) One thousand dollars for a gill net license holder that has not landed any salmon in Washington from 2014 through 2018; or

(2) Three and one-half times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Columbia river fisheries from 2014 through 2018.

**Sec.**  RCW 77.65.160 and 2018 c 235 s 2 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual license fees, application fees, and surcharges under RCW 77.95.090 are:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Fishery  License | Resident  Fee | Nonresident  Fee | Surcharge | Application Fee |
| (a) | Salmon Gill Net~~—~~Grays Harbor-Columbia river | $380 | $765 | plus $100 | $105 |
| (b) | Salmon Gill Net~~—~~Puget Sound | $380 | $765 | plus $100 | $105 |
| (c) | Salmon Gill Net—Willapa Bay-Columbia river | $380 | $765 | plus $100 | $105 |
| (d) | Salmon purse seine | $545 | $930 | plus $100 | $105 |
| (e) | Salmon reef net | $380 | $765 | plus $100 | $105 |
| (f) | Salmon troll | $380 | $765 | plus $100 | $105 |

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon ((~~gill net,~~)) reef net((~~,~~)) or seine fishery license may be renewed under this section if the license holder notifies the department before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred dollar enhancement surcharge, plus a one hundred five dollar application fee before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars plus the surcharge and application fee if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least thirty years; and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

(8) The department shall by rule develop a fee for permits issued for the taking of salmon under the trial or experimental fishery permit authorized under RCW 77.50.030.

**Sec.**  RCW 77.50.030 and 2001 c 163 s 2 are each amended to read as follows:

(1) A person shall not use, operate, or maintain a gill net ((~~which exceeds one thousand five hundred feet in length or a drag seine~~)) in the Washington waters of the Columbia river for catching salmon.

(2) A person shall not construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon or steelhead except:

(a) If authorized by the director for scientific investigations;

(b) Under the authority of a trial or experimental fishery permit, when an emerging commercial fishery has been designated allowing use of one or more of these gear types for the harvest of salmon by fishing gear capable of mark-selective harvest to reduce harvest-related mortalities to wild salmonids and help maintain and enhance hatchery production levels by harvesting surplus hatchery-reared salmon.

(3) The director must consult with ((~~the~~)) commercial and recreational fishing interests that would be affected by the trial or experimental fishery permit. ((~~The director may authorize the use of this gear for scientific investigations.~~

~~(3) The department, in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.~~))

NEW SECTION. **Sec.**  (1) In an effort to provide alternatives to nontribal salmon gill net fisheries while seeking to maintain and enhance hatchery production levels and the fishing industry, the department of fish and wildlife shall adopt rules to establish a selective gear incentive program. The selective gear incentive program must address to the maximum extent possible:

(a) The avoidance of nontarget species;

(b) The ability to fish mark selectively;

(c) Low mortality rate for released fish; and

(d) Operational effectiveness and economic viability.

(2) The selective gear incentive program shall make funds available for interested commercial fishers to invest in alternative fishing gear that reduces wild salmon bycatch and mortality rates, while allowing for mark-selective harvest of hatchery-reared salmon. In administering the selective gear incentive program, the department shall give funding priority for applications based on the following criteria:

(a) Commercial fishers that hold a gill net license with qualifying landings over the past four years;

(b) Multiple commercial fishers that hold a gill net license with qualifying landings over the past four years jointly applying as a cooperative; and

(c) Commercial fishers who participated in past testing efforts of seines and pound nets.

(3) The selective gear incentive program must be limited to seines, pound nets, and weirs.

(4) The department shall report on the effectiveness of the selective gear incentive program by December 31, 2020.

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